

Attorney Docket No.: RU-0130
Inventors: Yurkow and Mermelstein
Serial No.: 09/913,435
Filing Date: February 2, 2002
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REMARKS

Claims 1 through 5 are pending in the instant application. Claims 2-4 have been canceled. Claims 1 and 5 have been amended. No new matter has been added. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Restriction Requirement

The Examiner has made final the restriction requirement with respect to the claims. The request for an election of species has been withdrawn. In view of the making final of the restriction requirement, claims 2-4 have been canceled herewith.

II. Rejection of Claims Under 35 U.S.C. §102(a)

The Examiner has rejected claims 1 and 5 under 35 U.S.C. §102(a) as being anticipated by Neal et al. It is suggested that Neal teaches administration of 2,3-dimercaptosuccinic acid to a rat previously exposed to lead. The study teaches that excessive lead exposure effects the lenses of rats. It is suggested that the 2,3-dimercaptosuccinic acid is taught to be a redox clamping agent as 2,3-dimercaptosuccinic acid decreases the protein-bound

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glutathione and enhances the reductive status of the lenses.
Applicants respectfully disagree.

However, in an earnest attempt to facilitate prosecution, claims 1 and 5 have been amended to clarify Applicants invention, as supported throughout the specification and at page 3. The present invention is a method of maintaining cells in a selected redox state comprising contacting cells with a chemotherapeutic agent and a redox clamping agent which maintains the cells in a selected redox state so that said cells are sensitized to the effects of chemotherapeutic agent. The redox clamping agent sensitizes cells to the effects of the chemotherapeutic agents useful for hyperproliferative disorders (both malignant and non-malignant) associated with abnormal cell growth, see specification at page 3, lines 14-15, page 5, lines 18-24, page 9, line 27-31. Further provided by claim 5 of Applicants' invention is a method of stabilizing the redox state of cells with abnormal fluctuations in their redox state comprising contacting cells with a redox clamping agent which maintains the cells in a selected redox state wherein the abnormal fluctuations are associated with abnormal cell growth or hyperproliferation, see page 3, lines 14-19, and page 11, line 1-2.

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Neal teaches that lead exposure causes a decrease in the GSH and CYS levels of lens in the experimental groups as compared to control groups. Succimer treatment following lead exposure was found to deplete or cause the GSH levels in rats to return to normal. Neal does not teach that Succimer treatment opposes the re-adjustments of the redox state following treatment, as required by the redox clamping agents of the present invention. Further, Neal does not teach that the redox clamping agents are useful to sensitize cells to the effects of the chemotherapeutic agents associated with abnormal cell growth. Neal does not teach that redox clamping agents are useful for maintain cells with abnormal fluctuations in a selected redox state wherein the abnormal fluctuations are associated with abnormal cell growth or hyperproliferation, as claimed by the present invention.

Accordingly, the recited reference cannot be held to anticipate or make obvious Applicants' invention as it does not teach or suggest all of the claim limitations.

Withdrawal of this rejection is respectfully requested.

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III. Related Applications

In accordance with the Examiner's request, the following list denotes applications which are related or co-pending to the instant application:

Docket Number	Title	Inventors	Application Number
RU-0131 Australia	Novel Redox Clamping Agents and Uses Thereof	Edward J. Yurkow and Fred Mermelstein	34915/00
RU-0132 Canada	Novel Redox Clamping Agents and Uses Thereof	Edward J. Yurkow and Fred Mermelstein	2,362,787
RU-0133 EPO	Novel Redox Clamping Agents and Uses Thereof	Edward J. Yurkow and Fred Mermelstein	00913470.1
RU-0134 Japan	Novel Redox Clamping Agents and Uses Thereof	Edward J. Yurkow and Fred Mermelstein	2000-599422
RU-0186 United States	Method For Treating Cancer	Edward J. Yurkow and Fred Mermelstein	10/228,644
RU-0192 PCT	Method For Treating Cancer	Edward J. Yurkow and Fred Mermelstein	PCT/US03/23867

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CONCLUSION

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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